

SL(6)592 – The Agricultural Tenancies (Requests for Landlord’s Consent or Variation of Terms) (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations correct errors in the Agricultural Tenancies (Requests for Landlord’s Consent or Variation of Terms) (Wales) Regulations 2024 (“the 2024 Regulations”), in response to matters reported on by the Legislation, Justice and Constitution Committee (“the Committee”) in its report on the 2024 Regulations.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 2(2)(a), in the English language text, the location for the amendment is described as being found “*in the definition of “**relevant financial support**”*” (emphasis added) in regulation 2 of the 2024 Regulations.

However, the amendment is only being made to the definition found “*in the Welsh text*” of regulation 2 of the 2024 Regulations. Therefore, it should note the Welsh language definition “*cymorth ariannol perthnasol*”, rather than “*relevant financial support*”, in quotation marks in the English language text of regulation 2(2)(a) when identifying the definition for amendment.

2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 2(2)(b), the amendment seeks to replace the term “*retained direct EU legislation*” with the correct term “*assimilated direct legislation*” in the definition of “*statutory duty*” in regulation 2 of the 2024 Regulations.



In the Welsh language text describing the amendment, the new term is noted as “*deddfwriaeth uniongyrchol a gym~~h~~athwyd*” (emphasis added). However, this term has been standardised in Welsh as “*deddfwriaeth uniongyrchol a gym~~h~~athwyd*” (emphasis added) in the list of terms found in Schedule 1 to the Legislation (Wales) Act 2019 and in the Welsh Government’s online database of Welsh language terms, BydTermCymru. It is also noted that the standardised term is used in the Explanatory Memorandum (see paragraph 4.2).

Merits Scrutiny

The following 4 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

These Regulations seek to correct errors raised by the Committee in its report on the 2024 Regulations. As explained in the Explanatory Memorandum, at paragraph 2.1:

“These Regulations respond to matters reported on by the Legislation, Justice and Constitution Committee in points 3, 5, 6 and 7 of their report on The Agricultural Tenancies (Requests for Landlord’s Consent or Variation of Terms) (Wales) Regulations 2024 (see [SL\(6\)507](#)).”

4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

It is noted that these Regulations do not address the remaining technical reporting points, namely 1, 2 and 4, from the Committee’s report on the 2024 Regulations.

The Welsh Government’s response to that report explained why it disagreed with reporting point 4. It did not disagree with reporting points 1 and 2 but explained that as the Welsh Government does “*not consider them to have any practical impact on the operation of the provision or instrument*”, it would not seek to amend the 2024 Regulations in respect of those points.

The Welsh Government reached a similar conclusion in relation to reporting points 3, 5 and 7, that it did not consider those points to have a practical impact on the operation of the relevant provision or instrument. However, as amending regulations (i.e. these Regulations) were required to address reporting point 6, it took the opportunity to address those points regardless. It is noted that the same approach could have been taken in relation to reporting points 1 and 2, in order to address the points raised.

5. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

In its response to the Committee’s report on the 2024 Regulations, the Welsh Government acknowledged the need for amending regulations in relation to reporting point 6 of that report and explained that it would aim to introduce the amending regulations, i.e. these



Regulations, “before the end of 2024”. However, it is noted that these Regulations were not made until 27 February 2025 and, therefore, there has been a delay in the making of these Regulations.

The Committee [wrote](#) to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS, in relation to this point on 16 January 2025 and received a [response](#) on 30 January 2025.

As a result of the delay, the inconsistency relating to the time period for arbitration or third party determination as set out in regulation 3(8) of the 2024 Regulations and the corresponding provision in regulation 3(9) of the Agricultural Holdings (Requests for Landlord’s Consent or Variation of Terms and the Suitability Test) (Wales) Regulations 2024, which was previously reported by the Committee and has been in force since 8 August 2024 (when the relevant Parts of those regulations came into force), will remain on the statute book until these Regulations come into force on 21 March 2025.

The Welsh Government is asked to clarify both the reason for the delay in making these Regulations and any practical impact this may have had on tenants who may have sought to refer their request to arbitration or third party determination between 8 August 2024 and 21 March 2025.

6. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

No consultation has been undertaken in respect of these Regulations. The Explanatory Memorandum explains at paragraph 5.1:

“No consultation has been undertaken as these regulations make a minor amendment to reflect the original policy intent. They do not reflect a wider change of policy.”

Welsh Government response

A Welsh Government response is required in relation to reporting points 1, 2 and 5 only.

Committee Consideration

The Committee considered the instrument at its meeting on 17 March 2025 and reports to the Senedd in line with the reporting points above.

